

Court of Appeals, State of Michigan

ORDER

People of MI v Lawrence Stravaty

Docket No. 304953

LC No. 2010-000650-FH

Joel P. Hoekstra
Presiding Judge

Jane E. Markey

Douglas B. Shapiro
Judges

The Court orders that the delayed application for leave to appeal is GRANTED. MCR 7.205(D)(4).

The Court further orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. This matter is REMANDED to the trial court to allow defendant-appellant to move for resentencing for the reasons stated in the motion to remand. The Court retains jurisdiction, and the time for proceeding with the appeal in this Court shall begin to run upon issuance of an order in the trial court that disposes of the post-conviction proceedings.

Defendant-appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. Defendant-appellant shall also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry. The trial court shall hear and decide the matter within 56 days after the Clerk's certification of this order. The trial court shall make findings of fact and a determination on the record and cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings. The time for proceeding with the appeal shall begin to run 14 days after the date this order is certified if the motion to initiate the post-conviction proceedings is not filed in the trial court within that 14-day period.

Hoekstra, P.J., would deny both the motion to remand and the delayed application.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

SEP 26 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk